

**Notice of Allowability**

Application No.

10/765,512

Examiner

Qamrun Nahar

Applicant(s)

WILLIS, EDWARD SNOW

Art Unit

2191

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/31/2006.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### DETAILED ACTION

1. This action is in response to the amendment filed on 10/31/2006.
2. The objection to the oath/declaration is withdrawn in view of applicant's submission of new oath/declaration filed on 11/02/2006.
3. The objections to the specification are withdrawn in view of applicant's amendment.
4. The objections to claims 4, 7, 12 and 15 are withdrawn in view of applicant's amendment.
5. The rejection under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 10-11 of copending Application No. 10/765511 to claims 1-11 is withdrawn in view of applicant's amendment and remarks/arguments.
6. The rejection under 35 USC 112, first paragraph, to claims 7 and 15 is withdrawn in view of applicant's amendment and remarks/arguments.
7. The rejection under 35 USC 101 to claims 1-15 is withdrawn in view of applicant's amendment and remarks/arguments.
8. The rejection under 35 U.S.C. 102(e) as being anticipated by Birum et al (US PG PUB 2003/0221189) to claims 1, 3-10 and 12-15 is withdrawn in view of applicant's amendment and remarks/arguments.
9. The rejection under 35 U.S.C. 103(a) as being unpatentable over Birum et al (2003/0221189) in view of Moore et al (2002/0078142) to claims 2 and 11 is withdrawn in view of applicant's amendment and remarks/arguments.
10. Claims 1-2, 4, 7, 9-12 and 15 have been amended.
11. Claims 1-15 are pending.

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12. Claims 1-15 are allowed.

*Drawings*

13. The drawings were received on 01/27/2004. These drawings are acceptable.

**REASONS FOR ALLOWANCE**

14. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, updating said non-volatile memory items from said non-volatile memory item values stored in the software load on said wireless device; and writing said software identifier to said unique identifier item as substantially recited in independent claims 1, 9 and 10.

The closest cited prior arts, the combination of Birum (U.S. 2003/0221189) and Moore (U.S. 2002/0078142) teaches a method of dynamically managing non-volatile memory items in a wireless device. However, the combination of Birum (U.S. 2003/0221189) and Moore (U.S. 2002/0078142) fails to teach updating said non-volatile memory items from said non-volatile memory item values stored in the software load on said wireless device; and writing said software identifier to said unique identifier item as substantially recited in independent claims 1, 9 and 10; and as pointed out by the applicant's remarks/arguments on pg. 9, par. 2 to pg. 10, par. 5.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

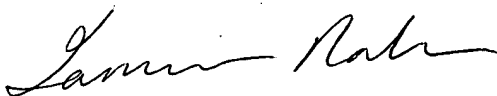
***Conclusion***

15. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

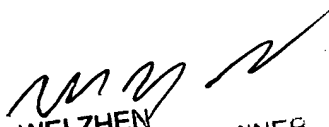
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Qamrun Nahar  
January 4, 2007



WEI ZHEN  
SUPERVISORY PATENT EXAMINER